



General Assembly

February Session, 2012

Amendment

LCO No. 3819

SB0006303819SD0

Offered by:

SEN. WILLIAMS, 29th Dist.
SEN. LOONEY, 11th Dist.
SEN. COLEMAN, 2nd Dist.
SEN. DOYLE, 9th Dist.
SEN. LEBEAU, 3rd Dist.

SEN. DUFF, 25th Dist.
SEN. SLOSSBERG, 14th Dist.
SEN. STILLMAN, 20th Dist.
SEN. HARTLEY, 15th Dist.

To: Senate Bill No. 63

File No. 28

Cal. No. 72

"AN ACT CONCERNING THE TIMING OF TESTS FOR BLOOD ALCOHOL LEVELS IN OPERATING UNDER THE INFLUENCE CASES."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (a) of section 15-140r of the 2012 supplement
4 to the general statutes is repealed and the following is substituted in
5 lieu thereof (*Effective October 1, 2012*):

6 (a) Except as provided in section 15-140s or subsection (d) of this
7 section, in any criminal prosecution for the violation of section 15-132a,
8 subsection (d) of section 15-133, section 15-140l or 15-140n or
9 subsection (b) of section 53-206d, evidence respecting the amount of
10 alcohol or drug in the defendant's blood or urine at the time of the
11 alleged offense, as shown by a chemical analysis of the defendant's

12 breath, blood or urine shall be admissible and competent provided: (1)
13 The defendant was afforded a reasonable opportunity to telephone an
14 attorney prior to the performance of the test and consented to the
15 taking of the test upon which such analysis is made; (2) a true copy of
16 the report of the test result was mailed to or personally delivered to the
17 defendant within twenty-four hours or by the end of the next regular
18 business day, after such result was known, whichever is later; (3) the
19 test was performed by or at the direction of a certified law enforcement
20 officer according to methods and with equipment approved by the
21 Department of Emergency Services and Public Protection, and if a
22 blood test was performed, it was performed on a blood sample taken
23 by a person licensed to practice medicine and surgery in this state, a
24 qualified laboratory technician, an emergency medical technician II or
25 a registered nurse in accordance with the regulations adopted under
26 subsection (b) of this section; (4) the device used for such test was
27 checked for accuracy in accordance with the regulations adopted
28 under subsection (b) of this section; (5) an additional chemical test of
29 the same type was performed at least ten minutes after the initial test
30 was performed or, if requested by the peace officer for reasonable
31 cause, an additional chemical test of a different type was performed to
32 detect the presence of a drug or drugs other than or in addition to
33 alcohol, except that the results of the initial test shall not be
34 inadmissible under this subsection if reasonable efforts were made to
35 have such additional test performed in accordance with the conditions
36 set forth in this subsection and such additional test was not performed
37 or was not performed within a reasonable time, or the results of such
38 additional test are not admissible for failure to meet a condition set
39 forth in this subsection; and (6) evidence is presented that the test was
40 commenced within two hours of operation of the vessel [or expert
41 testimony establishes the reliability of a test commenced beyond two
42 hours of operation of the vessel] or, if the test was not commenced
43 within two hours of operation, evidence is presented that
44 demonstrates that the test results and analysis thereof accurately
45 indicate the blood alcohol content at the time of the alleged offense. In
46 any prosecution under this section, it shall be a rebuttable presumption

47 that the results of such chemical analysis establish the ratio of alcohol
48 in the blood of the defendant at the time of the alleged offense, except
49 that if the results of the additional test indicate that the ratio of alcohol
50 in the blood of such defendant is ten-hundredths of one per cent or less
51 of alcohol, by weight, and is higher than the results of the first test,
52 evidence shall be presented that demonstrates that the test results and
53 the analysis thereof accurately indicate the blood alcohol content at the
54 time of the alleged offense."

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2012</i>	15-140r(a)
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